

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MAHARA K. SMITH,

Plaintiff,

v.

CITY OF MADERA and DINA SANTOS,

Defendants.

No. 1:23-cv-00915-KES-SKO

ORDER ADOPTING IN FULL FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANTS' MOTION FOR JUDGMENT ON
THE PLEADINGS WITH LEAVE TO AMEND

Docs. 12, 21

Plaintiff Mahara K. Smith, proceeding pro se, initiated this action against defendants City of Madera and Dina Santos in Madera County Superior Court on August 4, 2022. Doc. 4 at 4–11. Defendants removed the action to this court on June 12, 2023, *see id.*, and filed the instant motion for judgment on the pleadings on November 15, 2023, Doc. 12. Plaintiff did not file an opposition to the motion.

The motion was referred to the assigned magistrate judge for the preparation of findings and recommendations. *See* Doc. 20. On May 23, 2025, the assigned magistrate judge recommended that the motion for judgment on the pleadings be granted with leave to amend. Doc. 21. The findings and recommendation contained notice that any objections were due within 21 days. *Id.* at 12–13. No objections were filed.

In accordance with the provisions of 28 U.S.C. §636(b)(1), the Court conducted a de novo

1 review of the case. Having carefully reviewed the matter, the Court finds the findings and
2 recommendation are supported by the record and proper analysis.

3 Based upon the foregoing:

- 4 1. The findings and recommendation issued May 23, 2025, Doc. 21, are adopted in full;
- 5 2. Defendants City of Madera's and Dina Santos' motion for judgment on the pleadings,
6 Doc. 12, is GRANTED with leave to amend;
- 7 3. Plaintiff may file an amended complaint that cures the deficiencies identified by the
8 findings and recommendation within thirty (30) days of the date of this order; and
- 9 4. If plaintiff fails to file an amended complaint within the time allotted, this action will
10 be dismissed.

11
12
13 IT IS SO ORDERED.

14 Dated: July 7, 2025



UNITED STATES DISTRICT JUDGE